| <u>,                                      </u>   |  |   | DM                        |
|--|--|---|---------------------------|
| •  | Application No.  | Applicant(s)  |                           |
| Notice of Allowability   | 10/813,287   | BREITENMOSER, ARMIN   |                           |
|  | Examiner   | Art Unit  |                           |
|  | Ali Abdelwahed   | 3722  |                           |
| The MAILING DATE of this communication app<br>All claims being allowable, PROSECUTION ON THE MERITS IS<br>herewith (or previously mailed), a Notice of Allowance (PTOL-85<br>NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT F<br>of the Office or upon petition by the applicant. See 37 CFR 1.31   | S (OR REMAINS) CLOSED in this apply or other appropriate communication<br>RIGHTS. This application is subject to   | plication. If not include will be mailed in due   | ed<br>course. <b>THIS</b> |
| 1. This communication is responsive to <u>Initial Filling</u> .  |  |   |                           |
| 2. The allowed claim(s) is/are <u>1-6</u> .  |  |   |                           |
| 3. $\boxtimes$ The drawings filed on <u>30 March 2004</u> are accepted by the  | e Examiner.  |   |                           |
| <ul> <li>4.  Acknowledgment is made of a claim for foreign priority to a)  All b)  Some* c)  None of the:  1.  Certified copies of the priority documents have 2.  Certified copies of the priority documents have 3.  Copies of the certified copies of the priority documents have 3.  Copies of the certified copies of the priority documents have 1.  Certified copies not received:  * Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE noted below. Failure to timely comply will result in ABANDON THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.</li> <li>5.  A SUBSTITUTE OATH OR DECLARATION must be subminified including charped required by the Notice of Draftspell (a)  including changes required by the Notice of Draftspell (b)  including changes required by the attached Examined Paper No./Mail Date  Identifying Indicia such as the application number (see 37 CFR each sheet. Replacement sheet(s) should be labeled as such in 7.  DEPOSIT OF and/or INFORMATION about the departached Examiner's comment regarding REQUIREMENT</li> </ul> | we been received. We been received in Application No ocuments have been received in this  of this communication to file a reply MENT of this application.  mitted. Note the attached EXAMINER wes reason(s) why the oath or declara  ust be submitted.  rson's Patent Drawing Review (PTO  or's Amendment / Comment or in the Comment or in the Comment of the drawing the header according to 37 CFR 1.121(cosit of BIOLOGICAL MATERIAL received) | national stage applicational stage application and stage application and stage application are staged as a staged as a staged attached application of the staged application are staged as a staged as a staged as a staged application and staged application are staged as a staged application are staged as a staged application are staged as a staged application are staged as a staged as a staged are staged as a staged as a staged are staged as a staged | quirements NOTICE OF      |
| Attachment(s)  1. ☑ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/Paper No./Mail Date  4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material  Daniel W. Howel  | Paper No./Mail Dat<br>/08), 7.  Examiner's Amendr<br>8.  Examiner's Stateme<br>9.  Other   | (PTO-413),<br>te<br>ment/Comment  | ·                         |
| <ul> <li>3.  Information Disclosure Statements (PTO-1449 or PTO/SB/Paper No./Mail Date</li></ul>   | Paper No./Mail Dat<br>/08), 7.  Examiner's Amendr<br>8.  Examiner's Stateme<br>9.  Other   | te<br>ment/Comment  | owance                    |

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## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Alexander Zinchuk on October 8, 2004.

The application has been amended as follows:

Claim 4, line 2, after "...said cover..." delete "part".

Claim 4, line 3, after "...sliding cover..." delete "part".

Claim 4, line 4, after "...sliding cover..." delete "part".

Claim 5, line 3, delete "bit" and insert -bits--.

Claim 6, line 2, delete "(50)".

Claim 6, line 4, delete "closed" and insert -first--.

Claim 6, line 4, delete "released" and insert -second--.

## Allowable Subject Matter

Claims 1-6 are allowed.

The following is an examiner's statement of reasons for allowance: The specific limitations of "...at least one cover slidably displaceable on said auxiliary bracket and

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movable between a first position closing said storage receptacle and a second position affording access to remove tool bits from said storage receptacle..." in claim 1 are not anticipated or made obvious over the prior art of record in the examiner's opinion. For example, German Patent No. DE 3514023 A1 to Nocon teaches a motor driven hand tool (10) comprising a motor housing (12) having a drive axis with a leading end and a trailing end spaced apart in the direction of the drive axis (see fig.1), a main handle (14) projecting transversely outwardly of the motor housing adjacent to the trailing end thereof (see fig.1), a working tool receptacle (20) at the leading end of the motor housing arranged to mount one of a plurality of tool bits (22), a storage receptacle (44) for removably fixing of the plurality of tool bits (see figs. 2, 5, 7), an auxiliary bracket (16) extending longitudinally outwardly from the motor housing and spaced in the direction of the drive axis from the main handle toward the leading end of the motor housing (see fig.1), the storage receptacle located in the auxiliary bracket (see figs. 2, 4, 5, 7). However, Nocon fails to teach the specific limitations of "at least one cover slidably displaceable on said auxiliary bracket and movable between a first position closing said storage receptacle and a second position affording access to remove tool bits from said storage receptacle", and there is no motivation or suggestion within the Nocon patent to modify it as such.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (703) 305-3311. The examiner can normally be reached Monday through Friday from 10:00 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (703) 308-2159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

AA 10/08/2004 Daniel W. Howell Primary Examiner Art Unit 3722